

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHN REEVES,)
)
Plaintiff,)
)
v.) Case No. 3:14-cv-00396-JPG-PMF
)
SUSAN KERR, et al.,)
)
Defendants.)

REPORT AND RECOMMENDATION

FRAZIER, Magistrate Judge:

Before the Court is a motion seeking sanctions, including dismissal, filed by defendants Susan Kerr and Warden of Robinson Correctional Center (Doc. No. 29). The sanction request is based on plaintiff John Reeves' failure to appear for his deposition, noticed for September 1, 2015. The motion was filed on September 17, 2015; pursuant to Local Rule, plaintiff Reeves' response was due within 30 days. SDIL-LR 7.1(c). A timely response was not filed. On November 16, 2015, an Order to Show Cause was entered, directing Reeves to respond by November 30, 2015 (Doc. No. 30). Reeves again failed to comply, despite a warning that the absence of a response would be considered as an admission that all arguments supporting the motion have merit.

A review of materials filed and arguments made show that the defense request for the sanction of dismissal has substantial merit.

IT IS RECOMMENDED that the motion for sanctions (Doc. No. 29) be GRANTED. The claims brought by Reeves against Susan Kerr and the Warden of Robinson Correctional Center should be dismissed with prejudice as a discovery sanction. If this recommendation is adopted, no claims will remain for decision. This case should be closed.

SUBMITTED: January 6, 2016.

s/Philip M. Frazier
PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE